

REMARKS

Claims 1-8 are pending in this Application. Claim 1 is amended above, and the Drawings are amended with the attached Replacement Drawing Sheets.

Objections to the Oath

Applicant respectfully acknowledges the Examiner's objections to the Oath, and will submit a corrected Oath in due course.

Objections to the Figures

The Figures are objected to for not showing a loop extending across an entirety of the waist as recited in claim 7. In Response, Applicant respectfully submits Replacement Sheets 1 and, the second of which including a new Figure 4 that illustrates a loop extending across an entirety of the waist.

Objections to the Claims

Claim 6 is objected to for being unclear. In response, Applicant respectfully clarifies by stating that, as shown in Figure 1, each end of the belt includes one belt attachment of a first type. Each strip is configured to interact with female attachment strips positioned laterally on the pants, as is respectfully explained in the last part of the Description of the Application. .

Rejections under 35 U.S.C. §103(a)

Claims 1-4 and 8 have been rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 5,575,010 to Chung ("Chung" hereinafter) in view of United States Patent No. 6,751,804 to Warner ("Warner" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016,

1023 (Fed. Cir. 1996).

Applicant's claim 1 has been amended to recite *inter alia*:

"wherein each leg has a reinforced outer area covering a whole of at least one of the pockets on each leg."

Neither Chung nor Warner, taken alone or in combination, teach a reinforced outer area covering a whole of at least one of the pockets on each leg. On the contrary, Chung does not teach anything that could be considered novel regarding the pockets, and the only pocket covering taught by Warner is the single front panel 16 that acts as the front of the entirety of the pants (please see Figure 1-4), and thus does not cover at least one pocket with anything that could be considered an additional outer reinforcing material.

Accordingly, Applicant respectfully asserts that the proposed combination of Chung and Warner does not teach every element of Applicant's claim 1, or claims 2-4 and 8 that depend therefrom. Therefore, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1-4 and 8 with respect to the proposed combination of Chung and Warner. Since the proposed combination of Chung and Warner fails to teach or suggest all of the limitations of claims 1-4 and 8, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 1 and 5 have been rejected under 35 U.S.C. §103(a) as being obvious over Chung in view of United States Patent No. 6,014,771 to Kirven ("Kirven" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some

suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Neither Chung nor Kirven, taken alone or in combination, teach a reinforced outer area covering a whole of at least one of the pockets on each leg. On the contrary, Chung, again, does not teach anything that could be considered novel regarding the pockets, and Kirven merely teaches a front surface 31 of the pocket 30 to be the outermost surface of the pants (please see Figure 2).

Accordingly, Applicant respectfully asserts that the proposed combination of Chung and Kirven does not teach every element of Applicant's claim 1, or claim 5 that depends therefrom. Therefore, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1 and 5 with respect to the proposed combination of Chung and Kirven. Since the proposed combination of Chung and Kirven fails to teach or suggest all of the limitations of claims 1 and 5, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 1 and 5 have been rejected under 35 U.S.C. §103(a) as being obvious over Chung in view of Warner and United States Patent No. 2,236,693 to Newman ("Newman" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016,

Claims 6 and 7 depend from claim 1. Therefore, for at least the reasons discussed above, the proposed combination of Chung and Warner does not teach every element of Applicant's claims 6 and 7. As Newman also does not teach a reinforced outer area, Newman does not remedy the deficiencies of the proposed combination of Chung and Warner. Accordingly, Applicant respectfully asserts that the proposed combination of Chung, Warner, and Newman does not teach every element of Applicant's claims 6 and 7. Therefore, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 6 and 7 with respect to the proposed combination of Chung, Warner, and Newman. Since the proposed combination of Chung, Warner, and Newman fails to teach or suggest all of the limitations of claims 6 and 7, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,
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